

TEKER TORRES & TEKER, P.C.

130 Aspinall Avenue-Suite 2A

Hagåtña, Guam 96910

671.477.9891 Telephone

671.472.2601 Facsimile

UNPINGCO & ASSOCIATES, LLC

777 Route 4, Suite 12B

Sinajana, Guam

671.475.8545 Telephone

671.475.8550 Facsimile

SHORE CHAN BRAGALONE LLP

Suite 4450

325 N. St. Paul Street

Dallas, Texas 75201

(214) 593-9110 Telephone

(214) 593-9111 Facsimile

Attorneys for Plaintiffs, Nanya Technology Corp. and

Nanya Technology Corp. U.S.A.

FILED

DISTRICT COURT OF GUAM

JUN - 6 2007 *nba*

MARY L.M. MORAN
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

NANYA TECHNOLOGY CORP. AND
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiffs,

v.

FUJITSU LIMITED AND FUJITSU
MICROELECTRONICS AMERICA, INC.,

Defendants.

Case No. CV-06-00025

**STIPULATED MOTION FOR
CONTINUANCE OF BRIEFING
SCHEDULE AND HEARING DATES
PURSUANT TO THE FEBRUARY 20,
2007 STIPULATION ADOPTED BY THE
COURT ON FEBRUARY 26, 2007**

ORIGINAL

1 The parties hereby stipulate as follows through their undersigned counsel:

2 On May 9, 11, and 14-15, 2007, consistent with the Court's April 26, 2007 Order denying
3 Plaintiffs' motion to compel and consistent with Defendants' previous offers, Defendants produced
4 forthwith over 800,000 pages of documents that Defendants assert were in response to Plaintiffs' April
5 13, 2007 follow-up document requests. In order to have more time to review the documents,
6 Plaintiffs seek a short continuance of the June 22 hearing date and an adjustment to the deadlines for
7 the remaining briefing. While Defendants do not concede that Plaintiffs need the additional time, to
8 avoid burdening the Court with additional motion practice, Defendants have agreed to Plaintiffs'
9 request so long as the hearing is not delayed beyond the week of July 9-13, 2007. The parties have
10 been informed that the Court may be available on July 10, 2007, but that any hearing request should
11 be made in a stipulation by the parties.
12

13
14 Defendants note that they have entered into this stipulation expressly without agreeing to
15 adjourn the June 20, 2007 hearing date on Defendants' motion for an immediate transfer on the
16 grounds of convenience. Defendants respectfully maintain their position that such motion should be
17 heard as scheduled on June 20, 2007. The parties do not by this stipulation seek an extension of June
18 20, 2007 hearing date.

19
20 Plaintiffs note that, should the Court not be available during the week of July 9-13, 2007,
21 Plaintiffs by this stipulation do not restrict their right and ability to seek a continuance of the June 22,
22 2007 hearing date to the next available date on which the Court is available to hear the matter. Nor do
23 Plaintiffs concede by entering into this stipulation that the June 20, 2007 hearing should not also be
24 adjourned and continued.

25 Accordingly, the parties agree and stipulate to the following revised Briefing Schedule and
26 Hearing Schedule on the Motions to Dismiss:

- 27
28 1. The hearing on Defendants' Motions to Dismiss currently set for June 22 shall be

1 moved to July 10, 2007 or such other date on the week of July 9-13 as the Court might be available.

2 2. Plaintiffs' Sur Reply shall be filed on or before June 26, 2007;

3 3. Defendants' Sur Reply shall be filed on or before July 3, 2007;

4 4. The length of the Sur Replies be increased from five (5) to ten (10) pages.

5
6 Further, counsel for Defendants has informed counsel for Plaintiffs as to the circumstances
7 behind the inadvertent delay in filing Fujitsu Limited's reply brief as addressed in Defendants' June 1
8 filings, and counsel for Plaintiffs has no objection to the filing of the reply with the Court. In the
9 event that this stipulation is not otherwise granted by the Court, it is respectfully requested that the
10 reply brief be accepted and that Plaintiffs receive an extra day to file their Sur-Reply in accordance
11 with the parties February 20, 2007 stipulation.

12
13 This Stipulation is entered into in good faith pursuant to paragraph 6 of the February 20, 2007
14 Stipulation.

15 All other provisions of the Stipulation of February 20, 2007 remain in full force and effect.

16 So STIPULATED this 6th day of June, 2007.

17 **TEKER TORRES & TEKER, P.C.**

18
19 By 

20 **JOSEPH C. RAZZANO, ESQ.**

21 Attorneys for Plaintiffs

22 **CALVO & CLARK**

23
24 By 

25 **DANIEL M. BENJAMIN, ESQ.**

26 Attorneys for Defendants
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